

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KATRINA BERAN,

Plaintiff,

vs.

VSL NORTH PLATTE COURT LLC,

Defendant.

7:21CV5003

**ORDER REGARDING COURT'S
REVISED JURY INSTRUCTIONS**

This case is before the Court in anticipation of a jury instruction conference in the course of trial. The Court provided the parties pretrial with its Proposed Jury Instructions and Proposed Verdict Form. [Filing 62](#). The parties filed Objections to those Proposed Jury Instructions on May 5, 2023. [Filing 67](#); [Filing 68](#). The current set of Revised Jury Instructions attached to this Order addresses those objections.

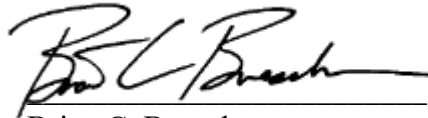
Instructions Nos. 1 through 11 are unannotated, as they are in the form read to the jury on May 9, 2023. The only changes from the Court's Proposed Jury Instructions in those preliminary instructions was the omission of former Instruction No. 7, which addressed deposition testimony, but none will be offered, and correction of a typographical error in what is now Instruction No. 10, third paragraph, where the first draft had "Linden County" instead of "Linden Court." The Court's response to the parties' objections to what are now Instructions Nos. 12 through 18 are set out in annotations to those instructions. The annotations will of course be removed before the Instructions are provided and read to the jury.

The Court will hear any objections that the parties may have to the Revised Jury Instructions during the jury instruction conference in the course of trial. The parties are not required

to file objections. However, as before, the opportunity to object to the Revised Jury Instructions is not an invitation to “wordsmith” the instructions. Merely “preferring” different language is not a ground for an objection. Any objections must be based in expected and identified evidence in the case or the nature of the damages requested, must be supported by authority, and must include proposed alternative language. Failure to meet these requirements during the jury instruction conference will constitute a waiver of any objection.

Dated this 10th day of May, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge